IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.294 OF 1998

Shri Mono Mohandas Naik, son of
Naraina R. Naik, major age,
resident of House No.92,
Mazil Vaddo, Benaulim, Salcete, Goa ..... Petitioner.

V/s.

(1) State of Goa, by its Chief
Secretary, having Office at
Secretariat, Panaji, Goa.

(2) The Under Secretary,
Department of Urban Development,
Government of Goa, having
Office at Secretariat,
Panaji, Goa.

(3) The Land Acquisition
Officer, Dy. Collector,
(Development), having Office
at Panaji, Goa.

(4) Parkway Avenue Co-operative
Housing Society Limited,
Patto Centre, Panaji, Goa.

(5) M/s. DESPAMONT, a Partnership
Firm through its Partern,
Brigadier Alfredo Inocencio
Gracias Monteiro, AVSM (Retd),
Engineer & retired Army
Officer, Defence Colony,
Provorim, Bardez, Goa. .... Repondents.

Mr. M.S. Sonak, Advocate for the petitioner.

Mrs. Winnie Coutinho, Govt. Advocate for respondents No.1 to 3.

Mr. Valmiki Menezes, Advocate for respondent No.4.

CORAM : N.N. MHATRE &
P.V. HARDAS, J.

DATE : JANUARY 20, 2004.

ORAL JUDGMENT : (Per HARDAS, J.)

The facts in the present petition are similar

to the facts of Writ Petition No.287/1998. The only difference in this petition is that despite the interim order of this Court directing the petitioner to pay the difference between compensation and the occupancy price and furnish the Bank Guarantee for the notional compensation payable to the petitioner, the petitioner has done neither. In the result, therefore, we are not inclined to grant the equitable relief as granted to the petitioner in Writ Petition No.287/1998 and, therefore, the plot No.28 which had been allotted to the Petitioner would stand reverted back to the authorities in terms of the conditions of the Government Order dated 19.11.1997 for disposal as per law. We, however, make it clear that the petitioner shall be entitled, in these circumstances, to participate in the reference proceedings and claim that he is entitled to the compensation. The reference Court shall decide the claim as per law and as expeditiously as possible.

2. Accordingly, the petition is dismissed. Rule discharged. No order as to costs.

NISHITA MHATRE, J.

P.V. HARDAS, J.

ssm.